

APPENDIX

NO. 82-5157

UNITED STATES COURT OF APPEALS FOR THE SIXTH CIRCUIT

UNITED STATES OF AMERICA,
Plaintiff-Appellee,

VS

ROBERT W. WILLIAMS,
a/k/a WILLIE WILLIAMS,
Defendant-Appellant.

ORDER

Before: EDWARDS, Chief Judge, MERRITT, Circuit Judge,
VAN PELT, Senior District Judge.*

This cause having come on to be heard upon the record,
the briefs and the oral argument of the parties, and upon
due consideration thereof

The Court finds that no prejudicial error intervened in
the judgment and proceedings in the district court, and

It is therefore ORDERED that said judgment be and it
hereby is affirmed.

ENTERED BY ORDER OF THE COURT.
John P. Hehman, Clerk

ISSUED AS MANDATE: _____

COSTS: _____

* The Honorable Robert VanPelt, Senior District Court Judge for the
District of Nebraska, sitting by designation.

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ORDER

Before: EDWARDS, Chief Judge, MERRITT, Circuit Judge,
VAN PELT, Senior District Judge.*

On receipt and consideration of the Petitioner for
rehearing in the above-styled case; and

Noting appellant's argument,

Said motion is hereby denied for the reasons set forth
in the oral opinion dictated from the bench, plus U.S.
Constitution, Article VI, § 2.

Entered by order of the Court
CLERK

SEARCH WARRANT**THE COMMONWEALTH OF KENTUCKY**

**TO ANY POLICEMAN, SHERIFF, CONSTABLE,
OR OTHER PEACE OFFICER OF THE
COMMONWEALTH OF KENTUCKY:**

Application, by affidavit, for a Search Warrant having been made this date, and it appearing that probable cause has been stated by the affiant, David Patchell, N.K.N.E.V., you are therefore commanded to search 6367 Taylor Mill, Independence, Kenton County, Kentucky, more particularly described as Single Family residence (Brown Shingle — 2 Story) situated on a large lot which is referred to by Willie Williams a resident on the farm for the following property Methaqualone — Large Quantity, A Controlled Substance under K.R.S. Chapter 218A. and to safely hold any thereof you may find until further order of a Court of Competent Jurisdiction, said property constituting evidence of an offense against the peace and dignity of the COMMONWEALTH OF KENTUCKY.

Witness my hand this 6 day of January, 1982.

/s/ DOUGLAS M. STEPHENS
JUDGE, Kenton District Court
First Division

Executed this warrant
this 6th day of
January, 1981, at 1:35 A.M.

**COMMONWEALTH OF KENTUCKY
COUNTY OF KENTON**

**APPLICATION AND AFFIDAVIT
IN SUPPORT OF
A SEARCH WARRANT**

Comes the Affiant, and states that the information contained herein was received and made in his capacity as a Peace Officer. Affiant's name is David Patchell, N.K.N.E.U. and Affiant believes there is (on or in the premises numbered) 6367 Taylor Mill, Independence, Kenton Co., Ky. more particularly described as Single Family residence (Brown Shingle — 2 story) situated on a large lot which is referred to by Willie Williams, a resident, as the "farm". the following property Methaqualone — Large Quantity A controlled substance under KRS Chapter 218A. Which property affiant believes to be: (things used as the means of committing a crime) (things in the possession of a person who has intention to use as means of committing a crime or in the possession of another to whom any person may have delivered it for purpose of concealing it or preventing its being discovered) (things which consist of evidence which tends to show that a crime has been committed or that a particular person has committed a crime) (contraband).

Affiant further states that on the date and at the time of 1/5/82 10:00 p.m. affiant received information from a Confidential Informant (CI) who stated to Affiant that within twelve (12) hours of 1/5/82, 10:00 p.m. CI was in the aforesaid premises. At said time and place CI had a conversation with Teddy Williams who CI believes to be a relative of Willie Williams, a resident of said premises. Said Teddy Williams showed CI several large bags of white tablets which Teddy Williams represented to be qualudes the street name for methaqualone, a Schedule II

non narcotic under KRS Chapter 218A. CI who due to CI's involvement with the drug culture believes the same to be Methaqualone tablets.

Acting on the information received, affiant conducted the following independent investigation:

Affiant believes his informant to be reliable and truthful because within the past three (3) months, CI has given to Affiant information as to the whereabouts of controlled substances under KRS Chapter 218A on three (3) occasions. On each such occasion Affiant found controlled substances where CI has so indicated.

/s/ DAVID L. PATCHELL
AFFIANT

Subscribed and sworn to before me this 6 day of January, 1982, at 12:30 a.m.

/s/ DOUGLAS M. STEPHENS
JUDGE, Kenton District Court